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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 29th August, 2012

No.9167/L.A.—The following Bill which has been introduced in the Odisha Legislative Assembly on the 29th August, 2012 is herewith published under Rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA RIGHT TO PUBLIC SERVICES BILL, 2012

A

BILL

TO PROVIDE FOR THE DELIVERY OF PUBLIC SERVICES TO THE CITIZENS WITHIN THE GIVEN TIME LIMIT AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Legislature of the State of Odisha in the Sixty-third Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Odisha Right to Public Services Act, 2012.

(2) It shall extend to the whole of the State of Odisha.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

- (a)** “Appellate Authority” means an authority notified under section 5;
- (b)** “Designated Officer” means an officer designated as such under section 3 for providing the service;
- (c)** “eligible person” means any person who requires the service for which he is entitled as per statutory provisions or executive instructions in force and applicable;

- (d) "given time limit" means maximum time to provide the service by the Designated Officer or to decide the appeal by the Appellate Authority and revision by the Revisional Authority;
- (e) "meddler" means a person indulging in the matter of procuring service, or in disposal of appeal or revision under this Act on behalf of any eligible person with or without any consideration giving impression to the eligible person that the service can be procured for the eligible person only through interference or intervention of such person or any person known to him either directly or indirectly;
- (f) "prescribed" means prescribed by the rules made under this Act;
- (g) "Revisional Authority" means an authority notified under section 6;
- (h) "right to public service" means right to obtain the service notified by the State Government under this Act within the given time limit; and
- (i) "Service" means any service in relation to public notified under section 3.

Notification
of services.

3. (1) The State Government may, by notification, from time to time, declare the services, to which this Act shall apply and specify the time limit within which the services shall be provided.

(2) For the purposes of this Act, the State Government may, by notification, designate as many officers as may be necessary for providing services within a given time limit.

Providing
services
within given
time limit.

4. (1) An eligible person shall make an application to the Designated Officer for obtaining any service under the provisions of this Act.

(2) The Designated Officer shall, on receipt of an application under sub-section (1), dispose of the same within the given time limit:

Provided that where the Designated Officer rejects the application, he shall record the reasons thereof under intimation to the applicant.

(3) Every Designated Officer shall maintain records of services applied for in such manner as may be prescribed.

Appeal.

5. (1) Any person, whose application for obtaining service is rejected under sub-section (2) of Section 4 or who is not provided with the service within the given time limit, may, within thirty days from the date of receipt of the order of rejection of application or the expiry of the given time limit, as the case may be, prefer an appeal before such authority as may be notified by the Government and in such form as may be prescribed:

Provided that the Appellate Authority may admit the appeal after expiry of the period of thirty days which can be further extended for a period not exceeding ninety days thereafter, if he is satisfied that the appellant was prevented by sufficient cause for not preferring the appeal in time:

Provided further that, resorting to the provision of this Act shall not be a bar to the applicant to pursue his remedy available under the law in relation to the said service.

(2) The Appellate Authority, if so satisfied, may, within a period of thirty days from the date of filing of appeal, by order, direct the Designated Officer to provide the service.

Revision.

6. Any person aggrieved by the order of the Appellate Authority, or in case of non-disposal of the appeal in time, may, within thirty days from the date of that order, or expiry of the time, as the case may be, prefer a revision petition before such authority as may be notified by the Government and in such form as may be prescribed:

Provided that the Revisional Authority may entertain the revision after expiry of the period of thirty days which can be further extended for a period not exceeding sixty days thereafter, if he is satisfied that the petitioner was prevented by sufficient cause for not preferring the revision in time.

Powers of
Appellate
Authority and
Revisional
Authority.

7. The Appellate Authority and Revisional Authority shall, while deciding an appeal or revision, as the case may be, have the same powers as are vested in Civil Court while trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely:—

Act 5 of
1908.

- (a) summoning and enforcing the attendance of Designated Officer and appellant and compel them to give oral or documentary evidence or both;
- (b) requiring the production and inspection of documents;
and
- (c) any other matter which may be prescribed.

Penalty.

8. (1) (a) Where the Revisional Authority is of the opinion that the Designated Officer has failed to provide service without sufficient and reasonable cause, he may impose a penalty against the Designated Officer not exceeding five thousand rupees.

(b) Where the Revisional Authority is of the opinion that the Designated Officer has caused delay in providing the service, he may impose a penalty not exceeding two hundred fifty rupees for each day of delay:

Provided that the Designated Officer shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(2) Where the Revisional Authority is of the opinion that the Appellate Authority has failed to decide the appeal within the given time limit without any sufficient and reasonable cause, he may impose a penalty against the Appellate Authority not exceeding five thousand rupees:

Provided that the Appellate Authority shall be given a reasonable opportunity of being heard before any penalty is imposed on him.

(3) The penalty imposed under this Act shall be charged from the Designated Officer, Appellate Authority and the concerned Sub-ordinate staff, as the case may be and shall be in the proportion to be decided by the Revisional Authority.

(4) Where the Appellate Authority or Revisional Authority, as the case may be, has reasons to believe that any person has acted as a meddler in relation to procuring any service, it shall, after giving such meddler a reasonable opportunity of being heard, impose a fine against the meddler which may extend to five thousand rupees.

Non-compliance amounting to misconduct. **9.** Non-compliance of the orders of the Revisional Authority shall amount to misconduct and shall make the concerned person liable for disciplinary action under the Service Rules applicable to him, if so recommended by the Revisional Authority.

Bar of Jurisdiction of Courts. **10.** No Court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal or revision under this Act.

Power of the State Government to send the applications to Appellate Authority directly. **11.** Notwithstanding anything contained in this Act, the State Government may, on receipt of an application alleging non-compliance of the provisions, send the same directly to the Appellate Authority for taking further actions as per the provisions of this Act.

Protection of action taken in good faith. **12.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is done in good faith or intended to be done under this Act or any rule made thereunder.

Display in the public domain. **13.** The services and the given time limit shall be displayed locally and on the website by the Secretary of the Department concerned for information of the public.

Powers to make rules. **14.** The State Government shall, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to remove difficulties. **15. (1)** If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before the Odisha Legislative Assembly.

STATEMENT OF OBJECTS AND REASONS

In a welfare State, providing services in time is the *sine qua non* of good governance. Thus, it is felt expedient to make law casting an obligation upon every public functionary to render services to the citizens within a stipulated time.

The Bill seeks to achieve the above objectives.

NAVEEN PATNAIK

Member-in-Charge

A. K. SARANGI

Secretary

Odisha Legislative Assembly